

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 97-279-C - ORDER NO. 98-64
JANUARY 30, 1998

JMR

IN RE: Application of DebitCom, Inc. for)	ORDER
a Certificate of Public Convenience)	APPROVING
and Necessity to Provide Intrastate)	CERTIFICATE
Resold Telecommunications Services)	
within the State of South Carolina.)	

This matter comes before the Public Service Commission of South Carolina (the "Commission") by way of the Application of DebitCom, Inc. ("DebitCom" or the "Company") requesting a Certificate of Public Convenience and Necessity authorizing it to operate as a reseller of intrastate long distance telecommunications services in the State of South Carolina. The Company's Application was filed pursuant to S.C. Code Ann. §58-9-280 (Supp. 1996) and the Regulations of the Public Service Commission of South Carolina.

The Commission's Executive Director instructed DebitCom to publish, one time, a prepared Notice of Filing in newspapers of general circulation in the affected areas. The purpose of the Notice of Filing was to inform interested parties of DebitCom's Application and of the manner and time in which to file the appropriate pleadings for participation in the proceeding. DebitCom complied with this instruction and provided the Commission with proof of publication of the Notice of Filing. No

Petitions to Intervene or Protests were filed.

A hearing was commenced on January 22, 1998 at 12 Noon, in the Commission's Hearing Room. The Honorable Guy Butler, Chairman, presided. DebitCom was represented by Bonnie D. Shealy, Esquire. F. David Butler, General Counsel, represented the Commission Staff.

Glen Day, DebitCom's President, appeared and offered testimony in support of DebitCom's Application. The record reveals that DebitCom is a corporation organized under the laws of the State of North Carolina and is authorized to transact business in South Carolina as a foreign corporation by the South Carolina Secretary of State. According to Mr. Day, DebitCom proposes to offer long distance services using resold transmission services of underlying carriers which are duly certified by the Commission, primarily by way of pre-paid debit cards. Mr. Day explained the Company's request for authority to provide interexchange telecommunications services in South Carolina as a reseller. The record reveals the Company's services, operations and marketing procedures.

Mr. Day also explained that DebitCom possesses the technical, financial and managerial abilities to provide its services in South Carolina. Mr. Day testified that the Company would operate in accordance with the Commission rules, regulations, guidelines, and Commission Orders. Finally, Mr. Day offered that approval of DebitCom's application is in the public interest as DebitCom's services will give South Carolina customers a wider selection of

high quality services from which to select.

Counsel for DebitCom indicated that the Company agreed with suggestions from Staff regarding certain tariff provisions and that the Company incorporated those changes in revised tariff pages.

After full consideration of the applicable law, the Company's Application, and the evidence presented at the hearing, the Commission hereby issues its findings of fact and conclusions of law:

FINDINGS OF FACT

1. DebitCom is organized as a corporation under the laws of the State of North Carolina and is authorized to do business as a foreign corporation in the State of South Carolina by the Secretary of State.

2. DebitCom operates as a non-facilities based reseller of interexchange services and wishes to provide its services in South Carolina.

3. DebitCom has the experience, capability, and financial resources to provide the services as described in its Application.

CONCLUSIONS OF LAW

1. Based on the above findings of fact, the Commission determines that a Certificate of Public Convenience and Necessity should be granted to DebitCom to provide intrastate interLATA service and to originate and terminate toll traffic within the same LATA, as set forth herein, through the resale of intrastate Wide Area Telecommunications Services (WATS), Message

Telecommunications Service (MTS), Foreign Exchange Service, Private Line Service, or any other services authorized for resale by tariffs of carriers approved by the Commission.

2. The Commission adopts a rate design for DebitCom for its resale services which includes only maximum rate levels for each tariff charge. A rate structure incorporating maximum rate levels with the flexibility for adjustment below the maximum rate levels has been previously adopted by the Commission. In Re: Application of GTE Sprint Communications Corporation, etc., Order No. 84-622, issued in Docket No. 84-10-C (August 2, 1984).

3. DebitCom shall not adjust its rates below the approved maximum level without notice to the Commission and to the public. DebitCom shall file its proposed rate changes, publish its notice of such changes, and file affidavits of publication with the Commission two weeks prior to the effective date of the changes. However, the public notice requirement is waived, and therefore not required, for reductions below the maximum cap in instances which do not affect the general body of subscribers or do not constitute a general rate reduction. In Re: Application of GTE Sprint Communications, etc., Order No. 93-638, issued in Docket No. 84-10-C (July 16, 1993). Any proposed increase in the maximum rate level reflected in the tariff which would be applicable to the general body of the Company's subscribers shall constitute a general ratemaking proceeding and will be treated in accordance with the notice and hearing provisions of S.C. Code Ann. §58-9-540 (Supp. 1996).

4. If it has not already done so by the date of issuance of this Order, DebitCom shall file its revised maximum tariff and an accompanying price list within thirty (30) days of receipt of this Order. The revised tariff shall be consistent with the findings of this Order and shall be consistent with the Commission's Rules and Regulations.

5. DebitCom is subject to access charges pursuant to Commission Order No. 86-584, in which the Commission determined that for access purposes resellers should be treated similarly to facilities-based interexchange carriers.

6. With regard to the Company's resale of service, an end-user should be able to access another interexchange carrier or operator service provider if the end-user so desires.

7. DebitCom shall resell the services of only those interexchange carriers or LECs authorized to do business in South Carolina by this Commission. If DebitCom changes underlying carriers, it shall notify the Commission in writing.

8. With regard to the origination and termination of toll calls within the same LATA, DebitCom shall comply with the terms of Order No. 93-462, Order Approving Stipulation and Agreement, in Docket Nos. 92-182-C, 92-183-C, and 92-200-C (June 3, 1993).

9. DebitCom shall file surveillance reports on a calendar or fiscal year basis with the Commission as required by Order No. 88-178 in Docket No. 87-483-C. The proper form for these reports is indicated on Attachment A.

10. The Company shall, in compliance with Commission

regulations, designate and maintain an authorized utility representative who is prepared to discuss, on a regulatory level, customer relations (complaint) matters, engineering operations, tests and repairs. In addition, the Company shall provide to the Commission in writing the name of the authorized representative to be contacted in connection with general management duties as well as emergencies which occur during non-office hours.

DebitCom shall file the names, addresses and telephone numbers of these representatives with the Commission within thirty (30) days of receipt of this Order. Attachment B shall be utilized for the provision of this information to the Commission. Further, the Company shall promptly notify the Commission in writing if the representatives are replaced, and the Company is directed to comply with the Commission regulations unless waived by the Commission.

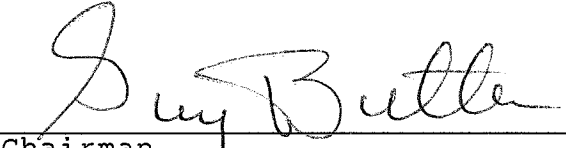
11. As a condition of offering debit card services, the Commission requires the Company to post with the Commission a bond in the form of a Certificate of Deposit worth \$5,000 drawn in the name of the Public Service Commission of South Carolina or a surety bond in the amount of \$5,000 which is payable to the Commission. The Certificate of Deposit shall be drawn on federal or state chartered banks or savings and loan associations which maintain an office in this state and whose accounts are insured by either the FDIC or the Federal Savings and Loan Insurance Corporation. A surety bond shall be issued by a duly licensed bonding or insurance company authorized to do business in South

Carolina. This condition may be reviewed in one year.


12. If the Company sells its debit cards to retail establishments for resale of the debit cards, and the retailer of the debit cards deviates from the suggested retail price as filed in the tariff, or as approved by the Commission in a special promotion, then the Company will withdraw its cards from that retail outlet. This Commission strongly suggests that the Company enter into written agreements with its South Carolina retail outlets regarding this policy of abiding by suggested retail pricing prior to the outlet marketing the card.

13. This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:


Chairman

ATTEST:


Deputy Executive Director

(SEAL)